

Message Text

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PAGE 01 MEXICO 04103 310014Z
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E.O. 11652: N/A
TAGS: CASC, MX
SUBJECT: W/W ARRESTS: NEW INSTRUCTIONS FROM ATTORNEY
GENERAL ON NOTIFICATION AND ACCESS

1. FOLLOWING IS AN INFORMAL TRANSLATION OF CIRCULAR NO.
14/77 OF MARCH 23, 1977, ISSUED BY ATTORNEY GENERAL OSCAR
FLORES SANCHEZ TO ALL AGENTS OF THE FEDERAL PUBLIC
MINISTRY:

SUBJECT: INSTRUCTIONS ON COMMUNICATIONS WHICH SHOULD
BE EFFECTED WHEN A FOREIGNER REMAINS AT YOUR
DISPOSAL

WHENEVER A FOREIGNER, WHATEVER HIS NATIONALITY MAY BE,
WITH WHOSE GOVERNMENT OUR COUNTRY MAINTAINS RELATIONS, IS
PLACED AT THE DISPOSAL OF THE AGENT OF THE FEDERAL PUBLIC
MINISTRY, THE LATTER SHOULD IMMEDIATELY SO INFORM THE
CORRESPONDING CONSULAR OFFICERS.

THE AGENTS OF THE FEDERAL PUBLIC MINISTRY SHOULD IN
EVERY INSTANCE RESPECT THE BASIC PRINCIPLE TO THE EFFECT
THAT CONSULAR OFFICERS SHALL HAVE THE RIGHT TO VISIT
THEIR NATIONALS WHO ARE AT THE DISPOSAL OF THE FEDERAL
PUBLIC MINISTRY, IN ORDER TO TALK WITH THEM AND TO OR-
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PAGE 02 MEXICO 04103 310014Z

GANIZE THEIR DEFENSE BEFORE THE COURTS. FURTHERMORE,
EVERY COMMUNICATION DIRECTED BY THE PERSON PLACED AT
THE DISPOSAL OF THE FEDERAL PUBLIC MINISTRY SHALL BE
TRANSMITTED WITHOUT DELAY TO THE CONSULAR OFFICE OF HIS
COUNTRY. ALL OF THE FOREGOING IS BASED UPON ARTICLE
36 OF THE VIENNA CONVENTION ON CONSULAR RELATIONS, DATED
APRIL 24, 1963.

IN ORDER THAT THE ATTORNEY GENERAL OF THE REPUBLIC MAY VERIFY FAITHFUL COMPLIANCE WITH THE AFOREMENTIONED DETAILED CIRCUMSTANCES, HE SHOULD BE IMMEDIATELY INFORMED, WITHOUT EXCEPTION, REGARDING EACH CASE.

2. EMBASSY WILL SHORTLY TRANSMIT COPIES OF CIRCULAR AND COPIES OF SPANISH TEXT OF VIENNA CONVENTION ON CONSULAR RELATIONS AND THE BILINGUAL TEXT OF THE CONVENTION BETWEEN THE UNITED STATES AND MEXICO ON CONSULAR OFFICERS TO ALL CONSTITUENT POSTS UNDER COVER OF CONSULAR CIRCULAR ON PROBLEMS OF NOTIFICATION AND ACCESS. IN THE MEANTIME, CONSULAR OFFICERS WHO ENCOUNTER PROBLEMS WITH NOTIFICATION OR CONSULAR ACCESS IN NEW ARREST CASES BY FEDERAL AUTHORITIES SHOULD DISCUSS PROBLEM WITH AGENTE DEL MINISTERIO PUBLICO FEDERAL. ANY CASE IN WHICH AGENTE CLAIMS NOT TO HAVE RECEIVED CIRCULAR 14, OR APPEARS NOT TO BE FOLLOWING INSTRUCTIONS SHOULD BE REPORTED TO THE EMBASSY IMMEDIATELY. THOMPSON

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